

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DISTRICT COUNCIL OF NEW YORK
CITY AND VICINITY OF THE UNITED
BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, et al.,

Defendants.

90 Civ. 5722 (CSH)

ORDER

HAIGHT, Senior District Judge:

Upon further consideration, the Court *sua sponte* VACATES its prior Order setting this case down for a hearing on Wednesday, February 10, 2010. That hearing will not take place.

The Court construes the recent oral statements of counsel for the government and the UBC as representations that neither party had knowledge of or authorized Union carpenters or anyone else to comment publicly about the possible replacement of Unitel, Inc. as the Court-appointed Independent Investigator by Dennis Walsh, Esq., bearing the title "Monitor" or otherwise.

Counsel further stated their intention to file a motion with the Court which may raise that possibility. But there is no motion presently before the Court. While the concerns expressed in the Court's prior Memorandum and Order may be germane to such motion when filed, and a hearing may eventually prove necessary, it is better to cancel the February 10 hearing and await full submissions on such motion or application as the parties may make.

In the interim, Unitel continues as the Independent Investigator. The government and the UBC are directed to use their best efforts to ensure that Unitel's authority, and that of Mr. Callahan

and members of his staff, are not questioned or undermined in any way.

Dated: New York, New York
February 8, 2010



CHARLES S. HAIGHT, JR.
SENIOR UNITED STATES DISTRICT JUDGE